

Application No.: 10/581,141
Filing Date: May 31, 2006

REMARKS

The undersigned thanks Examiner Albertalli for the helpful telephonic interview summarized herein. Claim 19 has been amended as discussed during the interview. See comments below. Additionally, claim 26 has been amended to provide part of equation (49) which was cut off due to layout of the text boxes. Support is found in the copy of equation 49 on page 24 of the specification. Accordingly, the amendments do not constitute the addition of new matter. Applicant respectfully requests the entry of the amendments and reconsideration of the application in view of the amendments and the following remarks.

Rejection under 35 U.S.C. § 101

Claims 19-31 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

In response, claim 19 has been amended to recite that the method relates to processing a windowed signal representing sound. Support is found throughout the specification. See page 3, lines 15-16 and page 4, lines 2-3, for example. Extraction of sound frequencies is known to be useful and the specification provides specific applications as discussed during the interview of November 12th, summarized herein. See, for example, section 9 of the specification beginning on page 35 which outlines various applications.

In view of Applicant's amendments and arguments, withdrawal of the rejection is respectfully requested.

Rejection under 35 U.S.C. § 101

Claims 19-37 are additionally rejected under 35 U.S.C. § 101 because the claims do not define a statutory process.

In response, the claims have been amended so that they are tied to another statutory category.

That is, claim 19 is amended to recite : "A method for processing a windowed signal representing sound, the method comprising, by a signal processing apparatus,..."

Support for the signal processing apparatus is found at least in the following portions of the published international application:

- Original Claims 12-18, each of which recites an “apparatus”,
- Fig. 1, which shows various components (such as an “initial frequency calculator,” “amplitude calculator,” and “spectrum calculator”) that one skilled in the art would recognize as being implemented in a signal processing apparatus,
- Fig. 13, which similarly shows various blocks that one skilled in the art would recognize as components of a signal processing apparatus, and
- The last 3 paragraphs of the specification (at pp. 40-41), which describe Fig. 13.

In view of Applicant’s amendment, withdrawal of the rejection is respectfully requested.

Rejection under 35 U.S.C. § 112, second paragraph

Claim 1 is rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant believes that claim 19 was intended.

Claim 19 has been amended to delete the term “synthesizing” and now recites “A method for processing a windowed signal representing sound...”. |

In view of Applicant’s amendment, withdrawal of the rejection is respectfully requested.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

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CONCLUSION

In view of Applicants' amendments to the claims and the foregoing Remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: Dec. 15, 2008

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